

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN**

MALIBU MEDIA, LLC

Plaintiff,

v.

Civil Action Case No.1:13-cv-00360-RJJ  
Hon. Robert J. Jonker

Jesse Raleigh,

Defendant.

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**\*\*\*ORAL ARGUMENT REQUESTED\*\*\***

**DEFENDANT'S DAUBERT MOTION AND MOTION IN LIMINE TO EXCLUDE, OR IN  
THE ALTERNATIVE LIMIT, THE EXPERT TESTIMONY OF PATRICK PAIGE**

**COMES NOW** Defendant, Jesse Raleigh, and files this *Daubert* Motion and Motion *in Limine* to exclude, or in the alternative limit, the expert testimony of Patrick Paige (“Paige”) and

exclude his October 5, 2015 report (see Doc 108-1, hereinafter “the Paige Report”). Because the methodology and factual bases for Paige's opinions are unsound, pursuant to FRE 702, 104(a) and the Supreme Court's reasoning in *Daubert v Merrell Dow Pharm.s, Inc.*, 509 U.S. 579, 113 S. Ct. 2786, 125 L. Ed. 2d 469 (1993) and its progeny, and because the opinions are otherwise inadmissible, this Court should exclude the Paiges Report and preclude him from testifying as to any opinions as an expert.

On Thursday, January 21, 2016, during a telephone conference with Plaintiff's attorney, Jessica Fernandez, the undersigned explained the basis for this motion (as well as the bases for the underlying *Daubert* motion), and sought concurrence in the relief requested herein. Defendant was unable to obtain Plaintiff's concurrence in the relief requested herein.

On January 27, 2016, this Court entered an order permitting the accompanying supporting brief to be 15 pages (Doc. 128, Pg. ID 1351).

**WHEREFORE**, and for the reasons set forth in the accompanying supporting brief, Defendant respectfully requests that, pursuant to FRE 702, 104(a), 404(b), 104(b), 401, and 403, this Court enter an Order holding that the opinions and testimony of Plaintiff's computer forensics expert, Patrick Paige, are excluded or limited.

Respectfully submitted,

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